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October 3, 2005

MARK L. HATCHER
CLERK U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEPUTY

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:

KOBLAK, FRANCIS D. and KATHRYN
A.,

Debtors.

PAM LIESKE,

Plaintiff,

v.

KOBLAK, FRANCIS D. and KATHRYN
A.,

Defendants.

No. 05-43012 (Ch 7)

Adversary No. A05-4138

**NOTICE OF TRIAL AND
ORDER SETTING DEADLINES**

1. Trial Setting. This case is *first* set for a one-day non-jury trial commencing at 9:00 a.m. on **January 24, 2006**, in U.S. BANKRUPTCY COURT, 1717 Pacific Avenue, Courtroom H, Tacoma, Washington. Requests for trial continuances will be considered only by motion and hearing. The exceptional circumstances warranting the continuance must be set forth in the motion. All parties must attend the hearing and bring to the hearing their future available dates.

2. Compliance/Sanctions. **Counsel/parties are advised that failure to comply with the procedures set forth in this order, including the duty to provide the court with updated documents as necessary, may result in sanctions, including but not limited to monetary sanctions, adverse evidentiary rulings, and dismissal of the action. Trials *may* be stricken and the case dismissed *with* prejudice or relief entered without further notice, and/or evidence excluded, for failure to comply with this order.**

3. Pretrial Procedures. The deadlines and dues dates are as follows:

a. Completion of Discovery: See Scheduling Order of July 22, 2005, (no extensions except by leave of court).

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1 b. Dispositive motions shall be held on a regularly scheduled motion
2 calendar by the deadlines set in the Scheduling Order of November 17, 2005, (no
3 extensions except by leave of court).

4 c. Plaintiff's trial brief shall be due no later than **January 13, 2006**.

5 d. Defendant's trial brief shall be due no later than **January 13, 2006**.

6 Trial briefs shall include as exhibits proposed findings of fact and conclusions of law.
7 All must carry top notation, and two chambers' copies of each must be provided. See
8 Local Rules W.D. Wash. Bankr. 9013-1(d).

9 4. Experts. The parties **may** present the direct testimony of expert witnesses
10 (including appraisers or others testifying to value) by declaration (or affidavit).

11 a. All declarations shall be under penalty of perjury and otherwise
12 admissible under the Federal Rules of Evidence.

13 b. A party may offer live testimony of experts on redirect and in rebuttal.

14 c. Copies of the expert's report, if any, and any documentary exhibit (the
15 admissibility of which is founded on the expert's testimony) shall be attached to the expert's
16 declaration and shall be tabbed and identified by letter designation.

17 d. The expert's declaration (or affidavit) will be admissible at trial, subject
18 to timely objection, **only if** the declarant is present and subject to cross examination, or in
19 accordance with Fed. R. Bankr. P. 7032.

20 e. Each original expert declaration (or affidavit) shall be submitted as an
21 exhibit, with copies served on all parties, and the chambers' copies delivered, no later than
22 **January 4, 2006**.

23 5. Pleadings. Motions *in limine* and objections to exhibits shall be served and
24 filed no later than **January 13, 2006**.

25 6. Exhibits.

26 a. Identification. A number sequence shall be used for all exhibits
27 (including experts' declarations) of all parties, with prefixes indicating the offering party (i.e.,
28 P 1, P 2, P 3, etc.; D 1, D 2, D 3, etc.).

29 b. Format. Exhibits shall be premarked in accordance with this order.
30 Any documentary exhibits which can reasonably be submitted on 8-1/2 by 11 inch paper
31 shall be, with text on one side only.

32 c. Binders. **Any party submitting exhibits shall submit said exhibits**
33 **in 3-ring binders. Said binders shall include an index of the exhibits and each**
34 **exhibit shall be separated with an index tab marked with the identification as set**
35 **forth in paragraph 6 (a) above.** The parties may contact the Courtroom Deputy for return
36 of the binders at the conclusion of the matter.

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1 d. Submissions. Parties intending to offer exhibits shall submit **three (3)**
2 **sets (original and two (2) copies)** of the exhibits, in 3-ring binders, to chambers by
3 noon five (5) court days prior to trial.

4 7. Settlement. The parties shall promptly notify the Court if the matter is
5 settled. Settlement documents **shall** be filed and approved by the Court on or before
6 the trial date. In the event settlement approval has not been obtained, the parties
7 must appear on the trial date and the settlement shall be set forth on the record.
8 Failure of the parties to do so will result in the trial being stricken and the case
9 dismissed **with prejudice** for failure to comply with this order.

10 8. Confirmation. The plaintiff shall confirm that the trial is going forward not
11 later than **noon two (2) court days prior** to the scheduled trial date, and so advise all
12 parties. **Failure to comply may result in the trial being stricken and the case**
13 **dismissed with prejudice**. Confirmations are to be made through Courtroom Deputy
14 Pattie Adams ((253)593-6310 ext. 4041).

15 **ORDERED:** October 3, 2005

16 
17 _____
18 Paul B. Snyder
19 U.S. Bankruptcy Judge

20 **Two (2) Bench copies are to be directed to:**

21 Hon. Paul B. Snyder
22 United States Bankruptcy Court
23 1717 Pacific Avenue, Room 2209
24 Tacoma, WA 98402

25 CERTIFICATE OF MAILING: I CERTIFY I MAILED COPIES OF
26 THE FOREGOING TO John Connolly and Pam Lieske

27 DATED: October 3, 2005

28 BY: 

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